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NOTICE OF ALLOWANCE AND FEE(S) DUE

35195 7590 02/19/2010

PERENCE & ASSOCIATES LLC
409 BROAD STREET
PITTSBURGH, PA 15143

EXAMINER

JANVIER, JEAN D

ART UNIT

PAPER NUMBER

3688

DATE MAILED: 02/19/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,735	03/13/2001	Kannan Srinivasan	696.002	2033

TITLE OF INVENTION: METHOD AND APPARATUS FOR DETERMINING THE EFFECTIVENESS OF INTERNET ADVERTISING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/19/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: **Mail**

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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35155 7590 02/19/2010

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409 BROAD STREET
PITTSBURGH, PA 15143**

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/19/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
JANVIER, JEAN D	3688	705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

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- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 454 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 454 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

705/14.4
Notice of Allowability

Application No.

09/804,735

Examiner

JEAN JANVIER

Applicant(s)

SRINIVASAN ET AL.

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/29/09.
2. ☒ The allowed claim(s) is/are 21-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Jean Janvier/
Primary Examiner, Art Unit 3688

02/12/10

In Response to the Appeal Brief

The present decision represents the Examiner's response to the Applicant's claim amendments.

DETAILED ACTION

Claims Status

Claims 21-40 are currently pending in the Instant Application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Please delete claim 20.

Please add claim 40 as follows-

40. (New) The method according to claim 30, wherein the (1) conducting an experiment to determine a currently optimal advertisement step further comprises:

First performing steps (a)-(e); and

Thereafter reiterating steps (a)-(e) with a smaller sample of web page requests.

Reason For Allowance

The prior art, taken alone or in combination, does not teach the combination of claim limitations as featured in independent claims 21 and 30.

For example,

US Patent 5, 918, 014 to Robinson discloses, in one embodiment, that a new ad is displayed randomly or on a fixed schedule to a certain number (percentage) of users or visitors **from a pool or a set/number of visitors visiting a website predefined by an advertiser (receiving configuration data from an advertiser indicating that the advertiser wants to target the visitors visiting a particular website based on some criteria and random sampling or randomly selecting a subset or a certain number of visitors, out of the set of visitors visiting the website, to be exposed to the advertiser's advertisements or experiments and to thereby determine the optimal advertisement or experiment based on the certain number or randomly selected visitors' responses). During this "training period" for the new ad, a certain percentage of the members of the subject's community will click on the new ad.** If this is an unusually high proportion (a percentage better or a threshold number), then there is a relatively high likelihood that the ad will be of relatively high interest to the subject or to one or more similar visitors (the ad will generate more click-throughs from one or more other visitors with similar profile). Here, statistical techniques are used to determine a probability, associated with a fixed confidence level, with which one can assume that a randomly-chosen member of the subject's community (or one or more other users) will tend to click on the ad; this probability is used as the measure of similarity. Once again, a new ad is displayed to certain visitors of the community of surfers (sampling visitors) and the system determines whether a high or low proportion of visitors have indeed read the ad and have chosen to view further information associated with the ad (weighing process or click-through). If a high proportion has chosen to view further information related to this ad, then the ad will be presented

to similar users having the same profile as the sampled visitors who had originally interacted with the ad (Col. 3: 3-28; col. 3: 61 to col. 4: 14; See claims 1-3, 8 and 17 of the current reference).

US Patent 7,031,932 to Lipsky discloses a facility for adjusting the execution of an advertising campaign in which advertising messages (experiments) are presented to users using a plurality of advertising alternatives. During a first time period, the facility presents advertising messages using each of the advertising alternatives in accordance with an initial allocation for each of the advertising alternatives. Also during the first time period, the facility tracks the performance of the advertising campaign with respect to each of the advertising alternatives. Based upon the tracking during the first time period, the facility attributes a performance score to each of the advertising alternatives for the first time period. The facility compares these scores, and, based upon the comparison, adjusts the allocations for the advertising alternatives so as to increase one or more allocations for advertising alternatives, which compare favorably in the comparison, and so as to reduce one or more allocations for advertising alternatives comparing unfavorably in the comparison. The facility then, during a second time period, presents advertising messages using each of the advertising alternatives in accordance with the adjusted allocation for each of the advertising alternatives (See abstract).

USP 6,085,229 to Newman discloses a network includes one or more client computers, which can retrieve Web pages and supplemental content items, such as advertisements, from one or more server computers, for display or other processing. Each Web page can have fixed content, one or more fixed URL's identifying supplemental content items to be, for example,

displayed at particular locations on the Web page, and one or more sets of conditional items, with each conditional item set comprising content item(s) or content item identifier(s), such as URL's, and personal selection criteria to be used in selecting one of the content item(s) or identifier(s) to be, for example, displayed at a respective location on the Web page. When a client computer receives a Web page from a server computer, it (that is, the client computer) will, for example, display the fixed Web page content and, obtain supplemental content items identified by the fixed URL's to be displayed along with the fixed content. In addition, the client computer will process each set of conditional items in conjunction with personal information maintained by the client computer and selection criteria for the set to identify one of the conditional content item(s) to be displayed, or one of the conditional item identifier(s) to be used in obtaining a supplemental content item to be displayed along with the Web page. Since the client computer determines the particular conditional content or content identifier based on selection criteria provided with the Web page, and personal information maintained by the client computer itself, the personal information need not be provided to or otherwise obtained by the server computer to allow for personalization of the Web page (See abstract).

Tapiero, C.S., in an article "On-line and adaptive optimum advertising control by a diffusion approximation" published in Sept.-Oct. 1975 by Operations Research, vol.23, no.5, pp.890-907, formulates a diffusion approximation to a stochastic advertising model of the Vidale-Wolfe type. This formulation allows solution of problems of optimum and on-line sales forecasting, parameter identification and advertising control under uncertainty. For practical solutions, approximations are suggested and simulation is used to forecast the probabilistic

response of sales to an advertising program.

WO 01/48666 A1 to Sanu relates generally to systems, methods and operating models for optimizing the performance of advertisements and other messages or content, and more particularly to systems, methods, and operating models for optimizing the performance of advertisements, messages, and other content in an interactive measurable medium such as a global network of interconnected information devices and appliances. An example of such a global network is the Internet (See abstract).

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Ms. Lynda Jasmin, can be reached at (571)272- 6782.

Non-Official-571-273-6719.

Official Draft : 571-273-8300

12/31/09

/Jean Janvier/

Primary Examiner, Art Unit 3688

Application/Control Number: 09/804,735
Art Unit: 3688

Page 7